United Nations S/AC.49/2006/27

Security Council

Distr.: General
30 November 2006
English
Original: French

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 17 November 2006 from the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

In accordance with paragraph 11 of Security Council resolution 1718 (2006), Belgium has the honour to transmit to the Committee the following information regarding the effective implementation of the measures set out in paragraph 8 of the resolution.

Pending the adoption of the European instruments as described in the statement issued on 13 November 2006 by the Presidency of the European Union, the Government of Belgium has already taken appropriate measures to implement certain provisions of paragraph 8 of Security Council resolution 1718 (2006).

The measures implementing paragraph 8, subparagraphs (a) (i) and (c) are based on the Law of 5 August 1991 relating to the importation, the exportation, and the transit of arms, munitions, and material having specifically a military or law enforcement use and related technology, as amended by the Law of 26 March 2003; those relating to subparagraph (a) (ii) are based on the Law of 11 September 1962 regarding the importation, exportation, and transit of merchandise and related technology and by order deliberated in the Council of Ministers dated 28 September 2000.

06-67040 (E) 040107 050107

United Nations S/AC.49/2006/28

Security Council

Distr.: General
30 November 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 20 November 2006 from the Chargé d'affaires a.i. of the Democratic Socialist Republic of Sri Lanka to the United Nations addressed to the Chairman of the Committee

I have the honour to refer to your note dated 1 November 2006, referring to paragraph 11 of Security Council resolution 1718 (2006).

The Government of Sri Lanka is in the process of coordinating with a number of relevant government agencies on the steps taken to implement the provisions of paragraph 8 of the resolution. Since this process takes some time, it would be appreciated if you could grant an extension of the deadline of 13 November 2006 for submission of the report.

The Central Bank of Sri Lanka has requested a list of persons and entities that have been designated by the Committee for the implementation of resolution 1718 (2006), enabling it to take necessary action in this regard.

(*Signed*) A. L. A. **Azeez**
Chargé d'affaires a.i. of the Permanent Mission of Sri Lanka
to the United Nations

06-64875 (E) 281206

United Nations S/AC.49/2006/29

Security Council

Distr.: General
30 November 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 20 November 2006 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraph 11 of Security Council resolution 1718 (2006), I have the honour to submit herewith Thailand's report on the steps it has taken to implement the provisions of paragraph 8 of the said resolution (see annex).

(*Signed*) Khunying Laxanachantorn **Laohaphan**
Ambassador
Permanent Representative of Thailand to the United Nations

06-64881 (E) 271206

Annex to the letter dated 20 November 2006 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Committee

The Royal Thai Government has taken the following measures pursuant to UN Security Council Resolution 1718 (2006) of 14 October 2006.

1. On 19 October 2006 the Cabinet resolved to instruct all relevant Thai government agencies to take measures to comply with UN Security Council Resolution 1718 (2006), and to entrust the Ministry of Foreign Affairs of Thailand to convene a meeting of the relevant Thai government agencies to consider in detail measures under Thai law to implement the said UN Security Council Resolution.

2. The Ministry of Foreign Affairs convened the meeting on 25 October 2006. All the Thai government agencies are ready to cooperate with the international community in implementing UN Security Council Resolution 1718 (2006) under existing Thai domestic law and regulations, in particular:

a. the prevention of the supply, sale or transfer to the DPRK of the items listed in paragraph 8 (a) (i), (ii) and (iii) of the Resolution;

b. the prohibition of the procurement from the DPRK, pursuant to paragraph 8 (b) of the Resolution, of items covered in paragraph 8 (a) (i) and (ii) of the Resolution;

c. the prevention of the transfer to the DPRK of technical training, advice, services, or assistance related to the provision, manufacture, maintenance, or use of the items in paragraph 8 (a) (i) and (ii) of the Resolution, as called for in paragraph 8 (c) of the Resolution, by state agencies and their officers;

d. the prevention of the entry into or transit through Thailand of the persons designated by the Committee of the UNSC as being responsible for the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members as called for in paragraph 8 (e) of the Resolution, upon receiving a list of such persons as designated by the Committee of the UNSC or by the UNSC;

e. the cooperative action including through inspection of cargo to and from the DPRK, as necessary, as called for in paragraph 8 (f) of the Resolution, in order to ensure compliance with the requirements of paragraph 8 of the Resolution; and

f. the Bank of Thailand shall cooperate, to the extent permissible by Thai law, with competent Thai agencies in implementing UN Security Council Resolution 1718 (2006) in relation to commercial banks and financial

CONFIDENTIAL

institutions under the purview of the Bank of Thailand. In addition, the Thai authorities shall request cooperation from the private sector in Thailand to refrain from the transfer to the DPRK of technical training, advice, services, or assistance related to the provision, manufacture, maintenance, or use of the items in paragraph 8 (a) (i) and (ii) of the Resolution.

3. On 14 November 2006, the Cabinet acknowledged the results of the inter-agency meeting on 25 October 2006 and has resolved to instruct the relevant agencies to implement UN Security Council Resolution 1718 (2006) in accordance with Thai law and regulations.

United Nations S/AC.49/2006/30

Security Council

Distr.: General
30 November 2006
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 22 November 2006 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to enclose the report of the Argentine Republic on the steps it has taken with a view to implementing effectively the sanctions imposed against the Democratic People's Republic of Korea, in accordance with the request contained in paragraph 11 of Security Council resolution 1718 (2006) (see annex).

06-64917 (E) 261206 281206

Annex to the note verbale dated 22 November 2006 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

Report of the Argentine Republic submitted pursuant to paragraph 11 of Security Council resolution 1718 (2006)

The Argentine Republic has the honour to inform the United Nations Security Council of the steps it has taken with a view to implementing effectively the provisions of paragraph 8 of resolution 1718 (2006) of 14 October 2006.

As a member of the United Nations, Argentina accepts and complies with decisions taken by the Security Council, whose resolutions are, pursuant to Article 25 of the Charter, binding. It should be pointed out that, in accordance with article 31 of the National Constitution, treaties concluded by the Argentine Republic constitute the supreme law of the land, and that, in accordance with article 75, paragraph 22, of the aforementioned constitution, treaties take precedence over domestic laws. In this connection, Security Council provisions involving coercive measures are directly applicable within the territory of the Argentine Republic, although to be enforceable they must be promulgated by means of their publication in the Official Gazette. This requirement is set out in article 3 of Act No. 24,080, which provides that international treaties and agreements creating obligations for natural and juridical persons other than the State are binding only after their publication in the Official Gazette, in accordance with article 2 of the Argentine Civil Code, which provides that laws become binding only after their publication.

At the domestic level, and following the adoption of Decree No. 1521 of 1 November 2004, a decision of the Ministry of Foreign Affairs, International Trade and Worship is required to promulgate measures adopted by the United Nations Security Council. In that connection, the aforementioned Decree stipulates that Security Council resolutions adopted under Chapter VII of the Charter of the United Nations which establish binding measures for Member States that do not involve the use of armed force but entail sanctions, as well as decisions regarding the amendment or termination of those sanctions, must be promulgated by the Ministry of Foreign Affairs, International Trade and Worship, by means of a decision published in the Official Gazette. Similarly, the Decree states that when the Security Council or its subsidiary organs identify persons or entities subject to sanctions, the Ministry of Foreign Affairs shall promulgate and update the corresponding lists by means of decisions published in the Official Gazette.

In that connection, the draft ministerial decision promulgating the measures taken against the Democratic People's Republic of Korea is currently awaiting the signature of the Minister for Foreign Affairs and is being transmitted to all the competent departments of the Ministry of Foreign Affairs which, in turn, will disseminate its content to the relevant State agencies.

Paragraph 8, subparagraphs (a), (b), (c) and (e)

In order to give effect to the provisions of paragraph 8 of Security Council resolution 1718 (2006), a note has been sent to the National Commission for the Control of Sensitive Exports and Military Material with a view to ensuring that appropriate measures are taken to deny the materials listed in documents

S/2006/814, S/2006/815 and S/2006/853, which have been approved by Member States.

Likewise, and to the same end, a note has also been sent to the General Customs Administration.

In addition to the aforementioned steps, the National Arms Registry (RENAR) has been notified of the sanctions deriving from resolution 1718 (2006) and, with regard to the export of controlled materials and explosives falling within the sphere of its competence, has been requested to deny all applications for exports to the Democratic People's Republic of Korea.

With regard to paragraph 8, subparagraph (e), notes have been sent to the Atomic Energy Commission, the National Space Activities Commission and the Scientific and Technical Research Institute of the Armed Forces informing them of the measures set out in resolution 1718 (2006).

Paragraph 8, subparagraph (d)

With regard to the obligation of all States to freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of resolution 1718 (2006) or at any time thereafter that are owned by the persons or entities designated by the Committee, the Central Bank of the Argentine Republic is responsible, at the domestic level, for implementing the measures needed to give effect to that sanction. In that connection, pursuant to the rules and regulations of the Central Bank, Argentine financial and exchange entities must comply with the provisions of Security Council resolutions, even though such resolutions are directly applicable in Argentine territory from the moment of their adoption.

Accordingly, Communication "A" 4273 of the Central Bank of the Argentine Republic stipulated that "financial and exchange entities shall, in line with the decrees issued by the Executive Branch concerning the resolutions adopted by the United Nations Security Council in the context of the fight against terrorism, give effect to the decisions (and their respective annexes) of the Ministry of Foreign Affairs, International Trade and Worship, as soon as they are officially published. When, in implementation of the foregoing, funds and other assets belonging to any of the persons or entities subject to Security Council sanctions whose names have been disseminated by the Ministry of Foreign Affairs, International Trade and Worship must be blocked, the entities concerned shall immediately notify the Federal criminal and correctional court on duty and surrender to it the funds and assets in question, provided that the aforementioned international organization has not expressly stipulated otherwise.

Similarly, financial and exchange entities shall, by means of a note addressed to the Head Office for the Analysis and Monitoring of Special Transactions of the Superintendency of Financial and Exchange Entities, provide information as to whether financial assets have been deposited, and transactions of any other type (including bank drafts and transfers) have been carried out or attempted, by account holders who are referred to in the decisions of the Ministry of Foreign Affairs, including transactions of which those persons or entities are the beneficiaries, as well as transactions carried out by persons and entities acting on behalf of or on the instructions of the aforementioned persons and entities, including transactions

involving funds obtained or derived from assets owned or controlled, directly or indirectly, by those persons or persons or entities associated with them. That information shall be provided within two working days of the publication mentioned in the preceding paragraph or as soon as the desire of any of the persons appearing on the lists drawn up by the United Nations Security Council to carry out any kind of transaction becomes apparent. Once the case has been referred to the Federal criminal and correctional court on duty, the particulars of the associated complaint shall be included in the information transmitted to the Head Office for the Monitoring of Special Transactions.

In addition to the foregoing, Communication "A" 4425 of the Central Bank of the Argentine Republic provided that financial and exchange entities must take account of the information contained in the lists established pursuant to Security Council resolutions, which may be accessed via their respective websites. The Communication includes the addresses of the latter and relevant recommendations.

Paragraph 8, subparagraph (e)

With regard to the adoption of the necessary steps to prevent the entry into or transit through Argentine territory of the persons designated by the Committee or by the Security Council, the Ministry of Foreign Affairs, once the relevant list has been drawn up and in accordance with the provisions of Decree No. 1521, will prepare a corresponding ministerial decision promulgating the list, in order to allow for the adoption of the necessary measures to prevent those persons from entering the Republic.

It should be pointed out that, once the ministerial decision promulgating the list of persons subject to sanctions has been signed, it will be disseminated to consular offices by telegram until such time as those offices are included in the link to the updated consular manual No. 9, which is accessible via the Internet and lists persons prohibited from entering the Republic. At the same time, consulates will be instructed to deny visas to the listed individuals.

Information relating to the lists drawn up by the Committee or the Security Council will also be transmitted to the Department of Immigration.

United Nations S/AC.49/2006/31

Security Council

Distr.: General
30 November 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 28 November 2006 from the Permanent Mission of Bulgaria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to paragraph 11 of the resolution has the honour to submit herewith the report of the Republic of Bulgaria on the steps undertaken for the implementation of sanctions envisaged in the above-mentioned resolution (see annex).

06-64887 (E) 271206

Annex to the note verbale dated 28 November 2006 from the Permanent Mission of Bulgaria to the United Nations addressed to the Chairman of the Committee

REPORT OF THE REPUBLIC OF BULGARIA

In accordance with op.p. 11 of UN Security Council Resolution 1718 (2006)

The Republic of Bulgaria fully supports UNSCR 1718 of 14 October 2006 and has undertaken concrete measures aimed at full and effective implementation of its provisions, along with additional obligations assumed under Common position 795/CFSP of 20 November 2006, adopted by the Council of the European Union.

All relevant Bulgarian authorities have been made aware of the provisions of UNSCR 1718. The implementation of these provisions at national level has already started pending the completion of the legal procedure /now underway/ for adoption by the Bulgarian Government of a special Decree which will regulate **the comprehensive implementation of the measures referred to in Operative Paragraph 8 of UNSCR 1718.**

The text of this normative document includes *inter alia*:

- The prohibition of direct or indirect supply, sale or transfer to the DPRK, the procurement from the DPRK and the transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use, through Bulgarian territory or by Bulgarian nationals, or using Bulgarian flag vessels or aircraft, of the items as listed in para.8 (a), (i) and (ii), as well as the export of luxury goods. By adopting this Decree, the Council of Ministers will incorporate the DPRK in the List of prohibited destinations and organizations to which Bulgaria applies restrictive measures.

- The freezing of the funds, other financial assets and economic resources which are on Bulgarian territory and are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the SC as being engaged in or providing support for DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction;

- The prohibition of entry into or transit through Bulgarian territory of the persons designated by the Committee or by the SC as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related and other weapons of mass destruction-related programmes, together with their family members.

- To ensure compliance with the requirements of para. 8 and thereby to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materiel, Bulgaria will participate in international cooperation, including through inspection of cargo to and from the DPRK, in accordance with its national legislation, and consistent with international law.

The national legal procedure is expected to be finalized by mid December with the adoption of the above mentioned Decree by the Bulgarian Government. A copy of the document will be submitted to the Committee in due time.

United Nations S/AC.49/2006/32

Security Council

Distr.: General
30 November 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 28 November 2006 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Italy to the United Nations presents its compliments to the Chairman of the Committee and has the pleasure to forward Italy's report on steps taken with a view to implementing effectively the provisions set forth in paragraph 8 of Security Council resolution 1718 (2006) (see annex).

06-64893 (E) 271206

Annex to the note verbale dated 28 November 2006 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

Report by Italy

Italy has the honour to communicate the following information concerning the implementation of the United Nations sanctions against the Democratic People's Republic of Korea (DPRK) set in paragraph 8 of the United Nations Security Council Resolution (UNSCR) 1718 of 14 October 2006.

1. Regarding the implementation of the UNSCR 1718 **restrictions on the sale of arms** to the DPRK, the Italian government would like to inform that the export of weapons of any kind and defence material is regulated in Italy by law 185/90. This law, in addition to providing for the strict implementation of arms embargo decided by the UN or the EU, prescribes very stringent criteria for the granting of an export license. Threat to peace and to regional stability and the compliance to human rights are among the two most important factors always present in Italy's assessments. Exports licenses will therefore not be issued to countries in violation of UNSCR 1718.

   Furthermore, Italy's policy always takes into consideration the political commitments stemming from the European Union Code of Conduct that also sets stringent rules, by which all member countries must abide by when deciding whether or not to authorize an export license.

2. Concerning the control of **dual-use items**, Italy has introduced the EU Regulation 1334/2000 by decree law 96/2003 which describes the national administration of the Regulation. According to this legal basis and the control list (EU Regulation 394/2006) Italy controls the export of dual-use items listed by the various control regimes. In the case of the products listed in UNSRC 1718, Paragraph 8, (a), (ii), applications for export license will not be approved. Utmost vigilance will be applied concerning applications for export license concerning other listed products. Always according to the above-mentioned decree law, **technical assistance** concerning dual-use items is prohibited when it is related to WMD.

3. Italy will implement the restrictions on admission of **persons, entities and bodies** as soon as the UN list will be drawn up. Meanwhile Italy keeps on listing North Korea as a country whose nationals must be in possession of visas when crossing external EU borders as in EC Regulation 539/2001

4. With regard to **Paragraph 8(f) calling on cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials**, Italy recalls that it actively participates in the Proliferation Security Iniziative (PSI) since its launching in May 2003. PSI is aimed at helping prevention and interdiction of illegal procurement and trafficking activities in WMDs and related materials, including their means of delivery. Within this framework Italy regularly takes part in air, ground and sea interdiction exercises. Italy ha implemented UNSCR 1540 and has provided the 1540 Committee with two Reports concerning relevant national legislation

5. Concerning the **restrictive measures concerning sensitive goods and technology, luxury goods and the freezing of funds and economic resources** Italy, as a Member State of the European Union, has been actively participating in the preparation of the European Union's legal instruments (a Common Position and a Regulation). Italy would like therefore to refer to the recent European Union Council common position adopted on 20 November 2006 concerning the restrictive measures adopted against the DPRK. The text includes all the provisions listed in Resolution 1718. An EU Regulation concerning restrictive measures against DPRK with a view to implementing the provisions of resolution 1718 is still under discussion. As soon as the Regulation will be adopted it will be binding in its entirety and directly applicable in Italy.

   In particular, with regard to the **embargo on luxury goods**, Italy is in favour of the establishment, through the Committee created by the Resolution 1718, of directives fixing the list of products concerned by the embargo. In the meantime, the Italian authorities have started consultations with other member States of the European Union and the European Commission, with the intent to draw up a list of articles that could be subjected to this embargo.

   And with reference to the **freezing of funds and economic resources**, a Council Regulation will soon be adopted so as to constitute a legal basis directly applicable when proceeding to the freezing of financial assets of persons and entities designated by the aforementioned Committee or the Security Council.

United Nations S/AC.49/2006/33

Security Council

Distr.: General
4 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 30 November 2006 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraphs 11 and 12 (a) of Security Council resolution 1718 (2006), I have the honour to submit to the Committee the following information concerning the steps taken by Germany with a view to implementing effectively the provisions of paragraph 8 of said resolution (see annex).

Further information will be provided to the Committee once a list of designated persons or entities according to paragraph 8 (d) and (e) of Security Council resolution 1718 (2006) has been issued.

(*Signed*) Thomas **Matussek**
Ambassador

06-64911 (E) 271206

Annex to the letter dated 30 November 2006 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

Germany has taken action both nationally and as a member of the European Union (EU) to effectively implement all sanctions against the Democratic People's Republic of Korea (DPRK) passed according the resolution 1718 (2006). Regarding the steps taken by the EU, I refer to the letter of the Presidency of the EU of 13 November 2006 addressed to the Chairman of the Committee.

In addition, Germany has taken the following steps nationally to implement those measures that do not or only in part fall within the competence of the EU.

Paragraphs 8 (a) (i) and (ii)

Implementation of the embargo on arms and nuclear-related, ballistic missile-related or other weapons of mass destruction-related dual-use goods as imposed by resolution 1718 (2006) is ensured on the basis of the existing national Foreign Trade and Payments Act (Aussenwirtschaftsgesetz), the Foreign Trade and Payments Ordinance (Aussenwirtschaftsverordnung), the War Weapons Control Act (Kriegswaffenkontrollgesetz) and the EC-Dual-Use-Regulation 1334/2000 which require export authorizations for the export of the goods covered by paragraph 8 (a) (i) and (ii) to third countries. The measures include all products and equipment contained in documents S/2006/814, S/2006/815 and S/2006/816 as referred to in resolution 1718 (2006). Moreover, brokering activities regarding items covered by paragraph 8 (a) (i) and rendering technical assistance related to military activities require authorizations. Exports to DPRK from Germany have been subject to specific restrictions since 1991.

Infringements of the above-mentioned restrictions are punishable as criminal acts. The penalties applicable to infringements are set out in the Foreign Trade and Payments Act and the War Weapons Control Act.

Paragraph 8 (a) (iii)

Pending finalization of a list of luxury items presently drafted by the EU, Germany is applying its own restrictions for the export of those items covered by paragraph 8 (a) (iii) of Security Council resolution 1718 (2006). In this context, Germany would like to point out the difficulties that may arise in the implementation of said paragraph by Member States given the lack of a standard definition of the term "luxury item". Furthermore, Germany would like to seek clarification by the Committee on possible exemptions from the measures taken under paragraph 8 (a) (iii) for goods necessary for the effective work of humanitarian organizations within the territory of the DPRK.

Following the adoption of resolution 1718 (2006), the competent German authorities have notified the German Customs Office of Export and the Customs Office of Exit of the new restrictions arising out of paragraph 8 (a) (i), (ii) and (iii) of resolution 1718 (2006).

Paragraph 8 (b)

Germany is taking steps to prohibit the procurement of all items from the DPRK covered by subparagraphs 8 (a) (i) and (ii) of resolution 1718 (2006) by its nationals, or using its flagged vessels or aircraft, whether or not originating in the territory of the DPRK. Once the legal instruments of the EU referred to in the letter by the EU Presidency are adopted and published, Germany will impose national prohibitions in its Foreign Trade and Payments Act regarding items as mentioned in paragraph 8 (a) (i).

Paragraph 8 (c)

Germany has taken all necessary measures to prevent the transfer to the DPRK by its nationals or from its territory of technical training and services related to items listed under subparagraphs 8 (a) (i) and (ii).

Paragraph 8 (d)

Appropriate measures will be taken as soon as the list of persons or entities designated by the Committee or the Security Council has been issued.

Paragraph 8 (e)

Appropriate measures will be taken as soon as the list of persons designated by the Committee or the Security Council has been issued.

Paragraph 8 (f)

Germany has taken all necessary measures to ensure proper and efficient inspection of cargo to and from the DPRK.

United Nations S/AC.49/2006/34

Security Council

Distr.: General
4 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 30 November 2006 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and, with reference to paragraph 11 of Security Council resolution 1718, has the honour to transmit Switzerland's report on the implementation of the aforementioned resolution (see annex).

06-64923 (E) 281206 281206

Annex to the note verbale dated 30 November 2006 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

[Original: French]

Report by Switzerland pursuant to Security Council resolution 1718 (2006)

The nuclear test which the Democratic People's Republic of Korea announced it had carried out on 9 October 2006 has exacerbated tensions in the region and beyond. Switzerland condemns this test, which runs counter to the efforts made by the international community to achieve non-proliferation of nuclear weapons, and welcomes the decisive response of the Security Council. Switzerland has moved rapidly to implement the measures imposed by resolution 1718 (2006).

On 25 October 2006 the Swiss Federal Council (the Government) adopted an ordinance establishing measures against the Democratic People's Republic of Korea, (hereinafter referred to as "the ordinance", copy attached). Pursuant to this ordinance, which entered into force on 26 October 2006, Switzerland is implementing the enforcement measures set forth in paragraph 8 of resolution 1718 (2006). The legal basis for the ordinance is the Federal Law on the implementation of International Sanctions of 22 March 2002.

In paragraph 11 of resolution 1718 (2006), the Security Council calls upon all Member States to report to it on the steps they have taken with a view to implementing effectively the provisions of paragraph 8. A detailed description of measures taken by Switzerland follows:

Para. 8 (a) (i)

Article 1, subparagraph 1, of the ordinance prohibits the "supply, sale or transfer to the Democratic People's Republic of Korea of battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships and missiles or missile systems, as well as their accessories and spare parts".

Under the Federal Law on War Materiel of 13 December 1996 and the Federal Law on the Control of Goods and their implementation warrants of 13 December 1996, Switzerland has prohibited and continues to prohibit the export to the Democratic People's Republic of Korea of items contained in the munitions list of the Wassenaar Arrangement. This list is more complete than the list of materiel prohibited under paragraph 8 (a) (i).

Para. 8 (a) (ii)

Article 1, subparagraph 2 of the ordinance prohibits the "supply, sale or transfer to the Democratic People's Republic of Korea of the goods, including technologies and software, referred to in annex 1". According to annex 1, all goods controlled by the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG) and the Australia Group (AG) are subject to the prohibitions of article 1, subparagraph 2 of the ordinance. The export of toxic chemical products and their precursors listed in the annex to the Chemical Weapons Convention

(CWC) is controlled by the ordinance of 3 September 1997 on the control of chemical products issued by the Swiss Federal Council, as well as by the ordinance of 12 September 1997 on the control of chemical products issued by the Federal Department of Economic Affairs.

Para. 8 (a) (iii)

Article 2 of the ordinance prohibits the "supply, sale or transfer to the Democratic People's Republic of Korea of luxury articles cited in annex 2". The provisional list of 17 categories of luxury goods contained in annex 2 is based on the nomenclature of the Harmonized System of the World Customs Organization.

Switzerland hopes that, pursuant to paragraph 12 (f), the Security Council committee will publish shortly a clear definition and a list of luxury goods binding on all Member States, in order to ensure uniform application of the embargo worldwide. The development at the national level of lists of goods subject to sanctions will necessarily lead to disparities among Member States, which will be prejudicial to the sanctions effectiveness.

Para. 8 (b)

Article 1, subparagraph 3 of the ordinance prohibits the "acquisition, purchase or transfer from the Democratic People's Republic of Korea of goods referred to in subparagraphs 1 and 2".

Para. 8 (c)

Article 1, subparagraph 4 of the ordinance prohibits the "supply and receipt of services of all kinds, including financing, brokerage and technical training, related to the supply, acquisition, manufacture, maintenance or use of the goods referred to in subparagraphs 1 and 2".

Paras. 8 (d) and (e)

Article 3 of the ordinance provides for the freezing of assets and economic resources belonging to or under the control of persons, enterprises or entities designated by the Committee or by the Security Council. Making assets or economic resources available is also prohibited. Article 4 prohibits the entry into Switzerland or the transfer through Switzerland of natural persons designated by the Committee or the Security Council. The names of individuals, enterprises or entities affected by the financial and travel restrictions will be included in annexes 3 and 4 respectively as soon as the Committee or the Council has published a list of names.

Para. 8 (f)

Switzerland supports the principles of the Proliferation Security Initiative (PSI) and has already participated in exercises and conferences. As a country without maritime ports, Switzerland is not among the group of countries primarily affected by PSI activities.

United Nations S/AC.49/2006/35

Security Council

Distr.: General
4 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 10 November 2006 from the Permanent Mission of Brazil to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to refer to the note verbale dated 1 November 2006, regarding the implementation of resolution 1718 (2006).

In fulfilment of paragraph 11 of resolution 1718 (2006), the Permanent Mission of Brazil would like to inform the Committee that, by means of Presidential Decree 5.957 of 7 November 2006, the provisions of resolution 1718 (2006) were incorporated into Brazilian law and made mandatory for all Brazilian authorities. A copy of the decree is enclosed in this note (see annex).

The Permanent Mission of Brazil would like to further inform that the General Coordination of Sensitive Goods of the Ministry of Science and Technology verified that no commercial exchanges took place between Brazil and the Democratic People's Republic of Korea (DPRK) in recent years regarding the goods referred in paragraph 8 of resolution 1718 (2006) and no Brazilian suppliers were solicited by buyers from DPRK. Moreover, no activities of technical training, assistance or advising related to the supply, manufacture, maintenance or use of such goods exist between Brazil and DPRK, or are provided to each other by nationals of both countries.

06-67065 (E) 050107

Annex to the note verbale dated 10 November 2006 from the Permanent Mission of Brazil to the United Nations addressed to the Chairman of the Committee

[Original: English]

Decree number 5.957, of 7 November 2006

Decides on the execution in the National Territory of resolution 1718 (2006), of 14 October 2006, of the United Nations Security Council, which, inter alia, forbids the transfer of conventional weapons and of sensitive goods and technology to the Democratic People's Republic of Korea, and establishes travel bans, freezing of funds, financial actives and economic resources of individuals and entities involved in the nuclear, missilistic and other weapons of mass destruction programmes of that country.

The President of the Republic, seized of the competences attributed to him by article 84, IV, of the Federal Constitution, in accordance with article 25 of the Charter of the United Nations, promulgated by Decree number 19.841, of 22 October 1945, and

Having considered the adoption by the United Nations Security Council of its resolution 1718 (2006), of 14 October 2006, which, inter alia, in its paragraph 8, forbids the transfer of conventional weapons and of sensitive goods and technology to the Democratic People's Republic of Korea, and establishes travel bans, freezing of funds, financial actives and economic resources of individuals and entities suspect of involvement in the nuclear, missilistic and other weapons of mass destruction programmes of that country;

DECREES:

Article 1 – All Brazilian authorities shall, within their respective spheres of competence, fulfill the provisions of resolution 1718 (2006), adopted by the United Nations Security Council, on 14 October 2006, annexed to this Decree.

Article 2 – This Decree becomes valid on the date of its publication.

Brasília, 7 November 2006; 185th year of independence and 118th of the Republic.

LUIZ INÁCIO LULA DA SILVA
Celso Luiz Nunes Amorim

United Nations S/AC.49/2006/36

Security Council

Distr.: General
7 December 2006
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 29 November 2006 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, in reply to his note of 1 November 2006, has the honour to submit the report of the Government of Spain concerning the implementation of the measures set forth in paragraph 8 of that resolution, in accordance with the provisions of its paragraph 11 (see annex).

06-67059 (E) 040107 040107

Annex to the note verbale dated 29 November 2006 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

Report of Spain submitted pursuant to Security Council resolution 1718 (2006)

Paragraph 11 of Security Council resolution 1718 (2006), adopted by the Security Council on 14 October 2006, calls upon all Member States to report to the Security Council within 30 days on the steps they have taken with a view to implementing the measures imposed by paragraph 8 of the aforementioned resolution.

The report describes the steps taken by Spain to comply with its obligations under the resolution, steps which also reflect Spain's commitment to the United Nations and to the multilateral non-proliferation regime.

Steps taken to implement the provisions of paragraph 8 of Security Council resolution 1718 (2006):

Paragraph 8, subparagraph (a)

All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

Paragraph 8, subparagraph (a) (i)

Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials included in Annex I.1 of the regulations, on the reporting of defence material. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006).

Paragraph 8, subparagraph (a) (ii)

All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related,

ballistic missile-related or other weapons of mass destruction-related programmes.

List contained in document S/2006/814: Nuclear material, equipment and technology, equipment, materials, applications and technology assimilated for dual nuclear use

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials in accordance with European Council Directive No. 1334/2000 of 22 June 2000, which lists them in its Annex I. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006). Moreover, Spain is a member of the Nuclear Suppliers Group and the Zangger Committee, forums in which it exchanges information with other members concerning transfer denials.

List contained in document S/2006/815: Missile technology, equipment and applications

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials in accordance with European Council Directive No. 1334/2000 of 22 June 2000, which lists them in its Annex I. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006). Moreover, Spain is a member of the Missile Technology Control Regime, a forum in which it exchanges information with other members concerning transfer denials.

List contained in document S/2006/816: This document (the List of items, materials, equipment, goods and technology linked to programmes of other weapons of mass destruction) has been replaced by document S/2006/853

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all such materials in accordance with European Council Directive No. 1334/2000 of 22 June 2000, which lists them in its Annex I. The Inter-Ministerial Regulatory Board on External Trade in Defence Material and Dual-Use Goods has taken the relevant decisions in accordance with Security Council resolution 1718 (2006). Moreover, Spain is also a member of the Australia Group, a forum in which it exchanges information with other members concerning transfer denials.

Paragraph 8, subparagraph (a) (iii)

Luxury goods

The export of these goods shall be subject to a "red channel" (physical) inspection by the Department of Customs and Foreign Investments, under which transactions destined for or originating in the Democratic People's Republic of Korea (DPRK) shall be frozen. As a complementary measure, in order to establish a system of authorizations for these goods, agreement should be reached on the

preparation of a list, based on the Consolidated List or an FOB value, within the framework of the European Community.

Paragraph 8, subparagraph (b)

The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of all materials that are weapons of war or that are included in the lists of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, of 13 January 1993.

The import of all items included in subparagraphs 8 (a) (i) and (ii) above shall be subject to a "red channel" (physical) inspection by the Department of Customs and Foreign Investments, under which transactions originating in the Democratic People's Republic of Korea (DPRK) shall be frozen. There are currently no plans to establish a system of authorizations for these goods, unless agreement is reached on the preparation of a list, based on the Consolidated List or an FOB value, within the framework of the European Community.

Paragraph 8, subparagraph (c)

All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes exports of technical training, advice, services or assistance relating to the supply, manufacture, stockpiling or use of the items set forth in subparagraphs 8 (a) (i) and (ii) above.

Paragraph 8, subparagraph (d)

All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available

by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities.

Spain may adopt measures in accordance with the provisions of article 4.3 of Act No. 19/2003 of 4 July 2003: "The Government, by agreement with the Council of Ministers, and at the proposal of the Ministry of the Economy, may prohibit or limit the implementation of certain capital movements and their corresponding collection or payment transactions, as well as transfers from or to the exterior, or variations in external debtor or creditor accounts or financial positions with respect to a State, territory or extra-territorial centre, or group of States, in application of measures adopted by international organizations, other than the European Community, of which Spain is a member". Spain will wait to be informed by the Committee established pursuant to resolution 1718 (2006) that persons or entities have been subjected to the indicated measures.

Paragraph 8, subparagraph (e)

All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory.

Spain applies restrictions on the issuing of residence and transit visas in coordination with the other States members of the Schengen area, prohibiting the issuing of visas to persons included in the Schengen Information System (SIS) in a coordinated manner. The designated persons must be added to the list for the corresponding restrictions to be applied. Spain will wait to be informed by the Committee established pursuant to resolution 1718 (2006) that persons or entities have been subjected to the indicated measures.

Paragraph 8, subparagraph (f)

In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary.

Royal Decree 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use products and technologies, controls erga omnes transfers (including imports and exports) of all biological, chemical or radioactive agents "adapted for use in war", and includes them in its Annex I.1 (exports) and Annex III.1 (imports). These materials are not found in the lists subject to embargo.

In addition to the information provided above with respect to the provisions of Security Council resolution 1718 (2006), it should be noted that within the framework of prevailing international law, and in application of the relevant national legislation on the matter, Spain employs all available resources for the

implementation of the resolution. Special mention should be made of the negotiation, within the framework of the European Union, of complementary measures aimed at ensuring that the action of States members is consistent across the territory of the European Union.

Furthermore, Spain participates in various international forums for the control of exports (the Nuclear Suppliers Group, the Zangger Committee, the Australia Group, the Missile Technology Control Regime and the Wassenaar Arrangement), in which it exchanges information concerning measures, requirements and transfer denials with respect to defence and dual-use materials included in the lists of the respective forums.

Spain is among the States which have signed the interdiction principles of the Proliferation Security Initiative, and thereby undertakes to interdict trafficking in weapons of mass destruction, their delivery systems and related materials with non-State actors and proliferating States. The experience acquired during the exercises carried out under this initiative has improved Spain's response capacity by identifying practices, obstacles and procedures which will help enhance the functioning of its system for the control of transfers.

Although it has not yet entered into force, Spain has signed the Convention for the Suppression of Illegal Acts against the Safety of Marine Navigation, and the spirit of the Convention is already present in Spain's political will.

In short, the Government of Spain is employing all the means required by law for the proper fulfilment of its international obligations, including the provisions of Security Council resolution 1718 (2006).

United Nations S/AC.49/2006/37

Security Council

Distr.: General
4 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 30 November 2006 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to submit herewith the Portuguese national report on the implementation of the above-referenced resolution (see annex).

06-67053 (E) 040107

Annex to the note verbale dated 30 November 2006 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
DIRECÇÃO-GERAL DOS ASSUNTOS MULTILATERAIS

Report on the implementation of the UNSC Res.1718 by

Portugal

In accordance with paragraph 11 of the UNSC Res. 1718, and in complement to the report submitted by the EU Presidency on this matter, Portugal would like to inform the Security Council about the measures adopted at a national level with the view to implement the sanctions imposed to the Democratic People's Republic of North Korea (DPRK), as a result of the nuclear test it carried out last month.

1. The UNSC Res. 1718 was circulated, along with its respective instructions of implementation, to all governmental departments which are instrumental to its comprehensive national application, as well as too other national entities considered relevant, such as the banking system, the national civil aviation authority, national airlines, the sea traffic authority and the association of commercial ship-owners.

2. Portugal did not supply, sell or transferred any military equipments or goods to the Democratic People's Republic of North Korea. The Portuguese legislation and procedures in force do not allow, at the current time, transactions of that type to DPRK. Furthermore, there are no records of export licensing requests of such transactions in the past, having, as a final destination, the DPRK.

3. To cope with obligations such has the ones emerging from §8(a) (i) and (ii); 8(b) and (c), Portugal has set forth legislative measures[1], which implement, at a national level the guidelines and the item lists of several export control regimes, such as the Missile Technology Control Regime (MTCR), the Wassenaar Arrangement (WA) and others. The item lists S/2006/814 and S/2006/816 elaborated by the UNSC have also been dully taken into account.

4. Portugal did not transfer, direct or indirectly, any of the non-military items set forth in §8 of the UNSC Res. 1718, as no authorization licenses regarding the DPRK were issued by the Portuguese customs since the adoption of the Res. 1718.

[1] Decreto-Lei n.º 371/80 of 11th of September; Decreto-Lei n.º 1/86, of the 2nd of January; Decreto-Lei n.º 436/91, of 8th of November; Portaria n.º 439/94 of 29th of June and Decreto-Lei n.º 297/98, of 17 of December.

5. As to what concerns dual-use goods and technologies, Portugal applies the norms of EC Regulation n.º 1334/2000 of 22nd of June and EC Regulation n.º 394/2006 of 27th of February according to which all transfers of such items are subject to a preliminary licensing procedure. This procedure is also applicable to the DPRK. Any infractions to the licensing procedures are sanctioned through Decreto-Lei n.º 436/91 of 8th of November.

6. In what concerns §8 (a) (iii), there were no luxury goods exports from Portugal to the DPRK and no requests to that purpose have been made to the Portuguese customs authorities.

7. No transfer to the DPRK of technical advice, services or assistance related to the items listed in §8 (a) (i) and (ii) has been authorized.

8. Portuguese customs authorities are presently elaborating rules of procedure concerning the enactment of UNSC Res. 1718 and the strengthening of border controls.

9. According to available information, there are no North-Korean-owned funds, financial assets or economic resources kept within Portuguese territory or in any Portuguese financial institution.

10. Portugal does not possess any consular representation within the DPRK's territory. In that sense, in the period under analysis, no entry visas were issued to North-Korean nationals.

11. Regarding intelligence services, for a long time, the proliferation of WMD by countries of concern, including the Democratic People's Republic of Korea (DPRK), has been a priority of the Security Intelligence Service (SIS). In order to maintain a permanent, systematic and structured monitoring of the matter at hand, in 1998 SIS created a counter proliferation programme, aimed at promoting cooperation and interaction between the various national entities responsible for counter proliferation in our country.

This programme is based on four main objectives:

1. To support the control of exports and the transfers of technology
2. To detect clandestine procurement networks acting in our country
3. To control citizens of the risk countries with access to national investigation centres.
4. To combat contraband activities and radioactive material

In this context, obligations set forth under UNSC Res. 1718 are duly taken into account by SIS.

12. Other measures of trans-national extent, mainly adopted and carried out at a European Union and international level, – such has customs cooperation, information-sharing and intelligence activities (namely those carried out under the aegis of the Proliferation Security Initiative) – are being put forward to enhance the effectiveness of the sanctions applied to the DPRK. The Portuguese authorities will remain seized on this matter and inform the UNSC of any further developments on this issue.

United Nations S/AC.49/2006/38

Security Council

Distr.: General
4 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 1 December 2006 from the Permanent Representative of Albania to the United Nations addressed to the Chairman of the Committee

I am writing to you in your capacity as the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and in response to your letter dated 1 November 2006, I would like to further state:

Albania is convinced that full compliance with Security Council resolution 1718 (2006) by all the Member States will serve to reinforce peace and security in the world.

To effectively comply with the aforementioned resolution, the Ministry of Foreign Affairs of the Republic of Albania has circulated the full text of Security Council resolution 1718 (2006) to all relevant institutions in Albania, along with the request for full and effective implementation of its provisions to the fullest extent according to the law.

As of 1 November 2006 the following institutions have been notified of the provisions of resolution 1718 (2006), including but not limited to the Ministry of Defence, the Ministry of Interior, the Ministry of Finances (the General Directory for the Fight against Money-Laundering Activities), the Ministry of Economy, Trade and Energy, the General Directory of Port Authorities (Customs) and the State Informative Service.

I would also like to emphasize that during the last decade all commercial and/or human interactions and exchanges with the Democratic People's Republic of Korea have been at the zero level. According to the existing official statistics, there has been no level of exchange during the reporting period.

Albania will continue to fully comply with the provisions and requirements provided for in this resolution.

(*Signed*) Adrian **Neritani**
Ambassador
Permanent Representative

06-67028 (E) 050107

United Nations S/AC.49/2006/39

Security Council

Distr.: General
7 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 6 December 2006 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Macedonia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to communicate the following information to the Committee pursuant to paragraph 11 of resolution 1718 (2006):

The Government of the Republic of Macedonia, at its session held on 14 November 2006, adopted information about the implementation of Security Council resolution 1718 (2006).

At the same session, the Government of the Republic of Macedonia decided that the Ministry of Interior, the Ministry of Defence, the Ministry of Economy and the Ministry of Finance, the Customs Department and the Directorate Against Money-Laundering should undertake all necessary measures to implement Security Council resolution 1718 (2006).

The Government of the Republic of Macedonia has also decided that the text of resolution 1718 (2006) shall be published in the Official Journal of the Republic of Macedonia.

06-67034 (E) 040107

United Nations S/AC.49/2006/40

Security Council

Distr.: General
8 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 7 December 2006 from the Permanent Mission of the Republic of South Africa to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to the note verbale dated 1 November 2006, has the honour to submit the South African national report (see annex).

06-67046 (E) 050107

Annex to the note verbale dated 7 December 2006 from the Permanent Mission of the Republic of South Africa to the United Nations addressed to the Chairman of the Committee

National report

The South African Government has taken note of the adoption of United Nations Security Council resolution 1718 (2006) under Chapter VII of the Charter of the United Nations.

The South African Government has informed the relevant authorities of South Africa's obligations under resolut on 1718 (2006) and will take the necessary measures to ensure compliance with its obligations under Operative Paragraph 8.

United Nations S/AC.49/2006/41

Security Council

Distr.: General
20 December 2006
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 14 December 2006 from the Permanent Mission of Panama to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Panama to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the non-proliferation of nuclear weapons and the Democratic People's Republic of Korea, and has the honour to transmit herewith its Government's reply to the Chairman's note of 1 November 2006:

> "In strict compliance with the aforementioned Security Council resolutions, the Republic of Panama has reviewed its domestic legislation, which currently has the tools necessary for the adoption of measures for the inspection of cargo being shipped through our territory to or from the Democratic People's Republic of Korea.
>
> "On 16 March 2003, the Government of Panama established the Risk Analysis Group, consisting of the Council for Public Security and National Defence, the National Maritime Service, the Panama Maritime Authority and the Panama Canal Authority, for the purpose of preventing terrorist attacks and detecting hazardous cargo that could jeopardize the security of States. The Directorate-General of Customs also has the legal authority to inspect any cargo suspected of posing a threat to national security.
>
> "Panama is in the process of adopting the Container Security Initiative (CSI) and has therefore forwarded to the relevant bodies the elements needed to implement paragraph 8, subparagraph (f), of the aforementioned resolution.
>
> "The various government bodies and relevant civil society representatives (Ministry of Health, Ministry of Trade and Industry, Ministry of Agricultural Development, Panama Maritime Authority, Directorate-General of Customs, Colón Free Zone, Chamber of Commerce, National Association of Pharmacists, National Association of Chemists) have been urged to take the necessary measures to implement the aforementioned resolution."

06-68275 (E) 100107 150107

United Nations S/AC.49/2006/42

Security Council

Distr.: General
20 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 12 December 2006 from the Permanent Mission of Malta to the United Nations addressed to the Chairman of the Committee

Within the context of paragraph 11 of resolution 1718 (2006), concerning the Democratic People's Republic of Korea (DPRK), kindly find attached for your attention and necessary action copy of LN 275, which featured in the supplement of the Malta Government Gazzette No. 17994, dated 10 November 2006, transposing Security Council resolution 1718 (2006) on the DPRK (see annex).

The Permanent Mission of Malta to the United Nations would like to inform the Committee that the aforementioned resolution has been implemented effectively as required in paragraph 8 (a) (i) and (ii) of the resolution.

06-68281 (E) 150107

B 3900

Prohibition of supply of arms and of luxury goods.

4. (1) The direct or indirect supply, sale or transfer to the DPRK from Malta or by citizens of Malta, or using Malta's flag vessels or aircraft, of arms and luxury goods, whether or not originating from Malta, and the provision of any technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, is prohibited.

(2) The procurement by citizens of Malta, or using Malta's flag vessels or aircraft, of arms from the DPRK, whether such arms originate in the territory of the DPRK or not, is prohibited.

Entry or transit into Malta of persons involved in nuclear, missile programmes.

5. (1) No persons designated by the Committee or by the Security Council as being responsible for, supporting or promoting the DPRK policies in relation to its nuclear, ballistic missile and weapons of mass destruction related programmes, may enter into or transit through Malta.

(2) The provisions of sub-regulation (1) hereof shall also apply to such persons' family members and nothing shall oblige Malta from refusing entry into its territory to any of its own citizens.

(3) The measures imposed by sub-regulation (1) hereof shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would further the objectives of the Resolution.

Freezing of funds and assets.

6. (1) Any funds, other financial assets and economic resources which are in Malta and which are owned or controlled directly or indirectly by the persons or entities designated by the Committee or by the Security Council pursuant to regulation 5 (1) hereof, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, shall be immediately frozen.

(2) Such funds, financial assets or economic resources shall be prevented from being made available by any person or entity in Malta to or for the benefit of such persons or entities.

(3) The provisions of this regulation do not apply to funds, other financial assets and economic resources that have been determined by the authorities of Malta:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public

utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for the routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources, and in the absence of a negative decision by the Committee the foregoing shall be effected within five working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien, or of a judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement:

Provided that such lien or judgement was entered prior to the date of the Resolution, that they are not for the benefit of a person referred to in sub-regulation (1) hereof or an individual or entity identified by the Security Council or the Committee, and that they have been notified to the Committee.

Inspection of cargo.

7. It shall be lawful for any person who is authorized to carry out such activity, to inspect cargo to or from the DPRK, as may be necessary, so as to ensure compliance with the prevention of illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials.

Penalty.

8. Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine *(multa)* not exceeding fifty thousand Maltese liri.

United Nations S/AC.49/2006/43

Security Council

Distr.: General
21 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 19 December 2006 from the Permanent Representative of Latvia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Latvia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea, and has the honour to convey herewith a letter dated 15 November 2006 from Mr. Normans Penke, State Secretary of the Ministry of Foreign Affairs of the Republic of Latvia, regarding information on the steps the Republic of Latvia has taken with a view to implementing effectively the provisions of paragraph 8 of Security Council resolution 1718 (2006) (see annex).

06-68293 (E) 150107

Annex to the note verbale dated 19 December 2006 from the Permanent Representative of Latvia to the United Nations addressed to the Chairman of the Committee

Letter dated 15 November 2006 from the State Secretary of the Ministry of Foreign Affairs of Latvia addressed to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Referring to your letter SCA/6/06(9) of 1 November 2006 asking to provide information on the steps the Republic of Latvia has taken with a view to implementing effectively the provisions of paragraph 8 of UN Security Council Resolution 1718 (2006), the Ministry of Foreign Affairs of the Republic of Latvia has the honor to convey the following.

The Ministry of Foreign Affairs of the Republic of Latvia informs that as for a member state of the European Union the implementation of the UN Security Council Resolution 1718 (2006) is carried out by a Council Regulation. The Commission of the European Communities on 8 November 2006 has accordingly presented a proposal for a Council Regulation concerning restrictive measures against the Democratic People's Republic of Korea.

It must be noted that member states of the European Union can apply the restrictions on admission on the basis of existing legislation, including Regulation (EC) No. 539/2001 listing the third countries whose national must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. Accordingly, all restrictive measures set out in the UN Security Council Resolution 1718 (2006), with exception of the restrictions on admission, are to be implemented by means of this Council Regulation.

Furthermore, the Council Regulation concerned prescribes that the Member States should determine the proportionate, effective and dissuasive

penalties applicable to infringements of the provisions of this Regulation. Thereupon the Ministry of Foreign Affairs of the Republic of Latvia informs that Article 84 of the Criminal Law of 17 June 1998 provides for a penalty for violations of sanction regimes established by international organizations. Namely, for intentional violation of laws and regulations governing the sanctions imposed by the United Nations, European Union and other international organizations the applicable penalty is imprisonment for up to five years or a fine of up to hundred minimal monthly wages. Furthermore, for the same acts if performed repeatedly or in a group by a preliminary agreement, or by an official, the applicable penalty is imprisonment for up to eight years with or without confiscation of property.

Please accept, Dear Sir, the assurances of my highest consideration, as well as commitment to provide any further information on the matter, should it be necessary.

Normans Penke
State Secretary

United Nations S/AC.49/2006/44

Security Council

Distr.: General
26 December 2006
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 21 December 2006 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Peru to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit information on action taken by the Government of Peru with regard to the implementation of the provisions of that resolution.

In order to comply with the provisions of paragraph 8 of resolution 1718 (2006), the Ministry of Foreign Affairs of Peru circulated the document in a timely manner to the various sectors concerned, including the President of the Council of Ministers, the Ministry of Defence, the Ministry of the Interior, the Ministry of Production, the Superintendency of Banks, Insurance and Pension Fund Administrators, the Superintendency of Tax Administration and Customs, the Financial Intelligence Unit and the judiciary.

To date, no transactions or activities calling for the effective implementation of the measures set out in resolution 1718 (2006) have been identified. It should be noted that trade between Peru and the Democratic People's Republic of Korea is rather limited (amounting to approximately $23 million per year). Furthermore, such trade does not include any of the items mentioned in paragraph 8 of resolution 1718 (2006).

With regard to paragraph 8 (d), the Superintendency of Banks, Insurance and Pension Fund Administrators has indicated that it is awaiting the list of persons or entities that are subject to the corresponding sanctions.

A similar communication has been received from the General Directorate of Immigration of the Ministry of the Interior with regard to the application of paragraph 8 (e).

The Ministry of Foreign Affairs has instructed all consulates of Peru to pay particular attention to visa requests submitted by citizens of the Democratic People's Republic of Korea; visas for such persons may not be issued without the express

06-68338 (E) 100107 160107

prior authorization of the Ministry of Foreign Affairs. Public officials who travel to Peru must have an official visa granted by the Ministry of Foreign Affairs, which carries out detailed, case-by-case investigations before granting such visas.

With regard to paragraph 8 (a) (iii) of resolution 1718 (2006), Peru does not export any luxury goods to the Democratic People's Republic of Korea. In any event, Peru looks forward to receiving any guidelines which the Sanctions Committee may approve on this matter.

United Nations S/AC.49/2006/45

Security Council

Distr.: General
26 December 2006
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 22 December 2006 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Committee

I have the honour to enclose herewith the report of the Government of Mexico, submitted in accordance with paragraph 11 of Security Council resolution 1718 (2006), on the steps taken with a view to implementing the provisions of that resolution concerning the Democratic People's Republic of Korea (see annex).

(*Signed*) Enrique **Berruga**
Permanent Representative of Mexico to the United Nations

07-20792 (E) 160107 170107

Annex to the letter dated 22 December 2006 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Committee

Security Council Committee established pursuant to resolution 1718 (2006)

Report of Mexico submitted in accordance with paragraph 11 of resolution 1718 (2006)

In accordance with paragraphs 8, 9 and 10 of its resolution 1718 (2006), the Security Council, acting under Chapter VII of the Charter of the United Nations, has decided to impose a series of trade, economic and travel sanctions against the Democratic People's Republic of Korea.

Paragraph 11 of the resolution calls upon Member States to report to the Security Council on the steps taken with a view to implementing the measures imposed against the Democratic People's Republic of Korea.

In that connection, the Government of the United Mexican States wishes to make the following points:

Mexico takes the view that the existence of weapons of mass destruction and their vertical and horizontal proliferation constitutes one of the most serious threats to international peace and security.

Mexico supports international measures or initiatives designed to maintain international peace and security and to prohibit the production or use of weapons of mass destruction.

Mexico condemns and deplores acts contrary to the objectives of disarmament and non-proliferation of nuclear weapons and supports the resolution adopted by the Security Council. Mexico shares the concerns expressed in the preambular paragraphs of the resolution and agrees that the measures set out in its operative part should be implemented, particularly those relating to the transfer of nuclear equipment and materials, technical training, advice, services or assistance.

In that regard, the Ministry of Foreign Affairs has duly informed all Federal Government departments dealing with the issues covered by the resolution of its adoption so that they can take the appropriate measures within their respective spheres of competence to comply with the sanctions established by the Security Council.

Furthermore, the Government of Mexico does not transfer arms, equipment, materials or dual-use technology. It does not maintain trade relations of a military or other nature with individuals or entities associated with the Democratic People's Republic of Korea in order to supply, sell or procure military equipment, materials, goods and technology.

Mexico has the following comments on paragraph 8 of resolution 1718 (2006):

- With regard to paragraph 8 (a), Mexico does not supply, sell or transfer to the Democratic People's Republic of Korea, directly or indirectly, any of the listed items:

- With regard to paragraph 8 (b), the Government of Mexico does not procure the listed items from the Democratic People's Republic of Korea. However, it takes note of the fact that Mexican nationals are prohibited from procuring or exporting the materials listed;

- With regard to paragraph 8 (c), Mexico does not supply the Democratic People's Republic of Korea with or receive from it technical training, advice, services or assistance of any type related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii). To that end, the Government of Mexico has issued instructions intended to prevent such activities, thereby complying fully with the provision in question. Similarly, the immigration authorities carefully review the travel documents of individuals coming from that part of the world and of Democratic People's Republic of Korea nationals;

- With regard to subparagraph 8 (e), which urges Member States to take steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council, the immigration authorities have issued instructions with a view to implementing this provision. However, to that end, the Government of Mexico should be provided with a list of Democratic People's Republic of Korea nationals associated with nuclear-related and other weapons of mass destruction-related activities, so that a national alert can be issued in order to prevent their entry into Mexico, since such individuals could pose a threat to the security of Mexico or of third countries.

With regard to paragraph 10, concerning the decision that the measures imposed by paragraph 8 (e) will not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the resolution, Mexico is currently implementing an appropriate mechanism to facilitate the relevant procedures.

Lastly, and with regard to the obligations set out in paragraph 11 of the resolution, which calls upon Member States to report to the Security Council on the steps taken with a view to implementing effectively the provisions of paragraphs 8, 9 and 10, the competent authorities have been informed of the prohibition on concluding trade agreements, conventions or contracts involving items, goods, effects, arms, military vehicles and planes with the Democratic People's Republic of Korea or with any third country supplying goods originating from that country.

United Nations S/AC.49/2006/46

Security Council

Distr.: General
26 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 22 December 2006 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the Chairman of the Council Committee established pursuant to resolution 1718 (2006) and, referring to the latter's note dated 1 November 2006, has the honour to inform the Committee on the steps taken by the Government of the Republic of Estonia to ensure the implementation of relevant provisions of the above-mentioned resolution.

The Republic of Estonia, as a member State of the European Union (EU), has been taking part in the preparation of the European Union's legal instruments implementing the provisions of resolution 1718 (2006) in full. Information in that regard was conveyed to the Security Council by the presidency of the EU on 13 November 2006 (S/AC.49/2006/7). After the adoption of the relevant European Union Council regulation, all legal instruments will be automatically applied to Estonian national legislation.

On the national level, the Republic of Estonia, as a member of nearly all multilateral export control regimes, is fully implementing the provisions of paragraph 8 (a), (b) and (c) of the Security Council resolution 1718 (2006), in accordance with all the relevant legal acts of Estonia, including, among others, the Strategic Goods Act of 2004, the Customs Act of 2004, the Weapons Act of 2004, the Money-Laundering and Terrorist Financing Prevention Act of 2004, the International Sanctions Act of 2004 and the Penal Code of 2006.

The Government of Estonia has likewise taken all necessary steps to fully implement the provisions of paragraph 8 (d) and (e), immediately after receiving the list of persons or entities the Committee or the Security Council has respectively designated, as envisaged in the same provisions.

07-20467 (E) 190107